

IN THE COURT OF COMMON PLEAS OF YORK COUNTY,  
PENNSYLVANIA

SARA PICKETT : No. 2021-FC-001007-03  
VS :  
KRISTOFFER HEXTHER & :  
BRUCE HEXTHER :  
:

York, Pa., Thursday, June 2, 2022

Before the Honorable N. CHRISTOPHER MENGES, Judge

APPEARANCES:

JOSHUA A. SCOTT HARSHBERGER, Esquire  
For the Defendant & Intervenor

TRANSCRIPT OF PROCEEDINGS

Reported by:

Emily Riccardi  
Official Court Reporter

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PROCEEDINGS HELD ON THURSDAY, JUNE 2, 2022

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14:01:51 3 THE COURT: We're here to finish a  
14:01:55 4 custody trial. I believe, Ms. Pickett, you're  
14:01:58 5 representing yourself?

14:02:00 6 MS. PICKETT: That's correct.

14:02:00 7 THE COURT: Then I think it's your time  
14:02:02 8 to put your case on. Are you ready to do that?

14:02:04 9 MS. PICKETT: Yes, Your Honor.

14:02:05 10 THE COURT: Who do you want to call as  
14:02:06 11 your first witness?

14:02:07 12 MS. PICKETT: I don't have any  
14:02:08 13 witnesses. It's just myself.

14:02:10 14 THE COURT: All right. Why don't you  
14:02:11 15 stand and raise your right hand and the clerk can swear  
14:02:14 16 you in?

\* \* \*

18 SARA PICKETT,  
19 called as a witness,  
20 having been duly sworn according to law,  
21 testified as follows:

\* \* \*

23 DIRECT EXAMINATION

14:02:29 24 THE CLERK: Please state and spell your  
14:02:31 25 first and last name.

14:02:31 1 THE WITNESS: Sara Pickett, S-A-R-A,  
14:02:34 2 P-I-C-K-E-T-T.

14:02:37 3 THE COURT: And you are the mother of  
14:02:39 4 these two children?

14:02:40 5 THE WITNESS: That's correct.

14:02:41 6 THE COURT: What would you like to tell  
14:02:42 7 the Court?

14:02:43 8 THE WITNESS: Okay. I have some notes  
14:02:46 9 if that's okay.

14:02:46 10 THE COURT: Just don't read from them,  
14:02:48 11 and bear in mind, any notes you refer to, Attorney  
14:02:52 12 Harshberger has the right to look at.

14:02:54 13 THE WITNESS: Okay.

14:02:55 14 THE COURT: Go ahead.

14:02:59 15 THE WITNESS: So the most important  
14:03:01 16 point that I would like to clarify about this case is  
14:03:02 17 that it was never a disagreement of whether or not --

14:03:08 18 THE COURT: Yeah. You're going to have  
14:03:10 19 to slow down. Attorneys practice for years how to slow  
14:03:14 20 down.

14:03:14 21 THE WITNESS: I apologize. Being in  
14:03:16 22 court makes me a little anxious.

14:03:18 23 THE COURT: That's all right. Go ahead.

14:03:20 24 THE WITNESS: So the most important  
14:03:23 25 point that I would like to clarify is that this was

14:03:26 1 never a disagreement of whether or not grandfather  
14:03:28 2 should be allowed to see the children or not. It was  
14:03:31 3 just a disagreement of having the written Court-Order,  
14:03:34 4 because as a parent, I have the to make these decisions  
14:03:38 5 in the best interest of my children regarding what the  
14:03:42 6 situation looks like and he apparently expected some  
14:03:45 7 control of that situation. And that's one of the most  
14:03:48 8 concerning things to me in this case because he was  
14:03:50 9 given an open invitation upon filing this to reach out  
14:03:54 10 to me and make these arrangements to, you know, visit  
14:03:58 11 with the kids, make phone calls, and such. And I feel  
14:04:01 12 that if he was genuine in just wanting this normal  
14:04:06 13 grandparent-relationship, he would have happily taken  
14:04:08 14 me up on that invitation instead of -- sorry -- to make  
14:04:16 15 these arrangements without unnecessary court  
14:04:19 16 interference, without spending unnecessary time, money,  
14:04:23 17 and stress to fight this unnecessary battle. Instead  
14:04:26 18 for eight months, both father and grandfather made no  
14:04:30 19 contact with the children all to turn around and claim  
14:04:32 20 to the Court that I prevented contact so that the Court  
14:04:36 21 would have to interfere.

14:04:38 22 A claim that appears often throughout  
14:04:41 23 our case most recently the October 2020 contempt order  
14:04:46 24 where it was ordered that Lebanon County Children &  
14:04:48 25 Youth provide father with my with -- with what is

14:04:50 1 currently my most recent contact information.  
14:04:55 2 Unfortunately, this is a high conflict case and  
14:04:59 3 grandfather is not separate from that, made it obvious  
14:05:01 4 from the fact that they share an attorney and goal for  
14:05:03 5 the outcome of this case.

14:05:05 6 Grandfather has never previously had  
14:05:08 7 this level of relationship with the children which  
14:05:10 8 means that either father has never previously allowed  
14:05:12 9 it, or grandfather has never previously showed an  
14:05:15 10 interest of that sort. However, upon father's  
14:05:17 11 incarceration, they are completely lined up what that  
14:05:21 12 relationship should look like.

14:05:23 13 Grandfather is correct that he's been  
14:05:24 14 blocked from my social media due to his own behavior of  
14:05:27 15 sending me rude messages. Behavior that has resurfaced  
14:05:31 16 since the entering of the temporary orders where he has  
14:05:34 17 demanded control of what the situation looks like and  
14:05:37 18 if I don't comply with his random calls or I attempt to  
14:05:42 19 set boundaries, the interaction ends with some  
14:05:46 20 variation of I'm telling on you.

14:05:49 21 THE COURT: So let me see if I can help  
14:05:51 22 you here a little bit.

14:05:53 23 THE WITNESS: Sure.

14:05:54 24 THE COURT: I think what I'm hearing,  
14:05:56 25 but tell me if I'm wrong, is the temporary Order went

14:05:58 1 into effect a couple months ago, grandfather has had  
14:06:01 2 some visits -- and you haven't told me how those visits  
14:06:04 3 have gone -- but you believe that he has somehow  
14:06:09 4 interfered with you -- somehow the communication's not  
14:06:15 5 been good.

14:06:16 6 THE WITNESS: No, it really never has  
14:06:18 7 been.

14:06:18 8 THE COURT: Okay.

14:06:18 9 THE WITNESS: Like I was saying, it's a  
14:06:20 10 high conflict situation that involves grandfather as  
14:06:25 11 well. That's not new.

14:06:26 12 THE COURT: Well, let's start with how  
14:06:28 13 these children do on their visits. How do the visits  
14:06:35 14 go?

14:06:36 15 THE WITNESS: Beforehand there's crying  
14:06:38 16 and telling me -- I don't think I'm allowed to say  
14:06:41 17 that. There's crying and not wanting to go with.

14:06:46 18 THE COURT: How are they when they get  
14:06:48 19 back?

14:06:48 20 THE WITNESS: I think it's a little bit  
14:06:50 21 uncomfortable because of the animosity between  
14:06:55 22 grandfather and I. There's not much that's said at  
14:06:57 23 those visits. At the first visit, grandfather was  
14:07:01 24 handing them a bunch of toys that he had bought them  
14:07:03 25 and told them in front of me that he doesn't believe

14:07:06 1 that mother will allow them to keep the toys because  
14:07:10 2 she doesn't like me. And I since attempted to simply  
14:07:15 3 have no communication at these exchanges but he kind of  
14:07:18 4 insists on it.

14:07:20 5 THE COURT: What kind of communication  
14:07:22 6 are you and he having at the exchanges?

14:07:25 7 THE WITNESS: I try to say nothing or  
14:07:27 8 keep it, you know, as minimal as possible and walk away  
14:07:30 9 as quickly as I can.

14:07:34 10 THE COURT: And what is he doing?

14:07:35 11 THE WITNESS: Like I said, at the first  
14:07:37 12 one he had made those comments to the children in front  
14:07:39 13 of me and I had attempted to walk away and he kept kind  
14:07:45 14 of getting in my space to tell me when he was going to  
14:07:48 15 make his next phone call and insisting that I was going  
14:07:52 16 to listen to him at that point, which I did not feel  
14:07:55 17 comfortable with.

14:08:08 18 THE COURT: Well, he is allowed to have  
14:08:10 19 phone or video three times a month, right?

14:08:14 20 THE WITNESS: That's correct. It says  
14:08:15 21 as the parties agree, and we've arranged one phone  
14:08:19 22 call, but have not been able to agree since. It's been  
14:08:21 23 kind of, you know, he makes a demand, this is when I'm  
14:08:23 24 going to call. I say something along the lines of, you  
14:08:25 25 know, like this day or time might work better for me

14:08:28 1 then the response is, well, I'm working at that time.  
14:08:31 2 Even though he told us he was retired and not working  
14:08:34 3 in the last hearing.

14:08:35 4 THE COURT: Any particular reason these  
14:08:37 5 communications couldn't be by text or email or  
14:08:40 6 something a little less personal.

14:08:43 7 THE WITNESS: We do typically  
14:08:44 8 communicate via text.

14:08:46 9 THE COURT: How do those go?

14:08:48 10 THE WITNESS: Not so well.

14:08:49 11 THE COURT: Why is that?

14:08:49 12 THE WITNESS: It's basically the same  
14:08:51 13 thing. He'll tell me when he's going to call or, you  
14:08:55 14 know, demand what the situation look like and if I'm  
14:08:58 15 opposed to that at all or it simply doesn't work with  
14:09:01 16 our schedules, you know, then he's telling me I'm going  
14:09:04 17 to tell the Judge. I'm reporting you to my lawyer.  
14:09:07 18 I'm going to file something against you. Like I said,  
14:09:09 19 some kind of variation of I'm telling on you. I'm  
14:09:13 20 doing my best to work this out. I'm not trying to  
14:09:17 21 prevent communication, but at this point I'm working 45  
14:09:20 22 hours a week as a sole provider for my children. We  
14:09:22 23 have socialize, activities, and appointments outside of  
14:09:24 24 that so we have things that we're working around that  
14:09:27 25 are priorities.

14:09:30 1 THE COURT: All right. What else would  
14:09:31 2 you like to tell me?

14:09:32 3 THE WITNESS: Okay. Well, since I  
14:09:36 4 mentioned those comments that he made at the last  
14:09:39 5 exchange, I don't feel it's okay to make these comments  
14:09:41 6 that may agree at ill feelings, like, from the children  
14:09:45 7 towards me or anything of that nature. And the  
14:09:47 8 situation in general is just creating a lot of anxiety  
14:09:50 9 and I don't feel like this situation is what our lives  
14:09:54 10 should look like.

14:09:56 11 THE COURT: So if you were me, if you  
14:09:58 12 were the judge, how would you make the communications  
14:10:04 13 between the children and their Pop Pop happen?

14:10:07 14 THE WITNESS: I'm honestly not certain  
14:10:12 15 at this point. I feel like my initial request was to  
14:10:16 16 make it kind of scheduled so that, you know, father has  
14:10:19 17 I'm going to call at this time and this day so we're  
14:10:22 18 not coming into court because she's not getting my  
14:10:24 19 phone calls when it's totally random and I'm not always  
14:10:28 20 available. And I feel like that might be the best  
14:10:31 21 route to go for grandfather as well because then he  
14:10:33 22 doesn't have the opportunity to try to, you know, bully  
14:10:36 23 me into doing what he wants.

14:10:39 24 THE COURT: Okay. Any other  
14:10:41 25 suggestions?

14:10:42 1 THE WITNESS: I mean, honestly my stance  
14:10:46 2 as a whole is we should have been able to make these  
14:10:50 3 arrangements between ourselves.

14:10:52 4 THE COURT: But you obviously can't.  
14:10:53 5 You've just testified to that. You can't communicate  
14:10:57 6 well.

14:10:57 7 THE WITNESS: Right. And I've made  
14:11:00 8 attempts but that communication takes two people, Your  
14:11:03 9 Honor. And it's been a significant issue in our case  
14:11:06 10 involving father as well. We've always have had to  
14:11:08 11 have an attorney mediating communication, things of  
14:11:10 12 that nature because it always ends up in threats,  
14:11:14 13 intimidation, bullying, and things like that. And  
14:11:17 14 unfortunately, that's what this situation has devolved  
14:11:21 15 into as well. And the only thing I'm expecting is that  
14:11:26 16 grandfather learns to communicate with me respectfully  
14:11:30 17 in order to make these arrangements.

14:11:35 18 THE COURT: Any chance that you are  
14:11:37 19 taking the intimidation, bullying, et cetera, that you  
14:11:43 20 believe father has done -- but now he's in prison --  
14:11:46 21 any chance you're taking that and sort of projecting  
14:11:50 22 that onto father's father when maybe it isn't quite as  
14:11:54 23 bad as you think it is?

14:11:56 24 THE WITNESS: No, Your Honor.  
14:11:56 25 Unfortunately, like I said before, this isn't new.

14:12:00 1 when father was incarcerated the first time -- he did  
14:12:03 2 four months for a probation violation for these  
14:12:06 3 charges -- during that time, grandfather and I were  
14:12:09 4 able to arrange phone calls and I believe there is one  
14:12:12 5 visit during that time and it was okay. And then at  
14:12:15 6 the end -- like, as father was getting out of jail, at  
14:12:19 7 that time he started texting me messages about how I'm  
14:12:23 8 a lazy mother and just rude things that are completely  
14:12:25 9 unnecessary causing drama that just doesn't need to be  
14:12:28 10 there. That's why he was ultimately blocked at that  
14:12:35 11 time from my Facebook.

14:12:37 12 THE COURT: All right. Now, you said as  
14:12:39 13 father was getting out of jail he started texting you  
14:12:44 14 being a lazy mother and so forth; is that correct? Is  
14:12:48 15 that he the father or the grandfather?

14:12:49 16 THE WITNESS: That was grandfather, Your  
14:12:51 17 Honor.

14:12:51 18 THE COURT: Okay. So in prior  
14:12:55 19 communications, the first time father was incarcerated,  
14:12:58 20 grandfather would call you names like lazy?

14:13:03 21 THE WITNESS: Yeah. In the beginning we  
14:13:05 22 were able to arrange him seeing and talking to the kids  
14:13:08 23 and it wasn't an issue but I knew there were personal  
14:13:12 24 feelings there but it didn't create any conflict at  
14:13:16 25 that point. It was I would say early to mid September

14:13:19 1 right around the time of father's release when the tone  
14:13:21 2 of everything just kind of changed.

14:13:25 3 THE COURT: What, if any, steps have you  
14:13:28 4 taken to try to find a therapist for a [A.P.]?

14:13:35 5 THE WITNESS: This was actually in play  
14:13:37 6 prior to the last hearing. We have a referral from  
14:13:41 7 Hayshire Elementary where the children attend school.  
14:13:44 8 It was for [R.H.] but it's for family therapy for the  
14:13:47 9 three of us so we can all get the evaluations that we  
14:13:50 10 need and do family therapy together as well as getting  
14:13:52 11 the referrals for individual services so we can create  
14:13:55 12 a long term plan.

14:13:57 13 THE COURT: And who's the referral to?  
14:13:59 14 what agency or what practice?

14:14:01 15 THE WITNESS: Laurel Life I believe it's  
14:14:03 16 called.

14:14:04 17 THE COURT: Okay. So has an intake  
14:14:07 18 taken place?

14:14:08 19 THE WITNESS: Not yet. I'm waiting for  
14:14:09 20 them. I will give them a call after we're done here to  
14:14:23 21 check on that.

14:14:23 22 THE COURT: What else would you like to  
14:14:24 23 tell me?

14:14:25 24 THE WITNESS: okay. I just feel like  
14:14:27 25 gaining some resemblance to normal life after these

14:14:30 1 years of continuous fears of control and abuse that  
14:14:34 2 what would be therapeutic for my children and I and  
14:14:38 3 that includes learning how to navigate healthy  
14:14:41 4 consensual relationships on the kids terms, a skill  
14:14:45 5 that's important as they get older. And I think my  
14:14:48 6 stance has been pretty reasonable in the expectation as  
14:14:51 7 the normal grandparent he would be the one putting  
14:14:54 8 forth the effort to fit into the kids lives on their  
14:14:58 9 terms as they are comfortable with.

14:15:00 10 I'm always willing to put aside my  
14:15:01 11 personal feelings for my children and their best  
14:15:02 12 interest. That's never been a problem for me, but it  
14:15:05 13 also requires him, like I said, to treat me with a  
14:15:07 14 level of respect in order to make these arrangements.  
14:15:10 15 Like I said, he's had open communication to reach out  
14:15:13 16 and attempt to make the same kind of situation that we  
14:15:14 17 had in the beginning of father's first incarceration.  
14:15:18 18 and I just don't feel like if he has such animosity  
14:15:22 19 towards me that it could be a healthy situation to  
14:15:25 20 force us into by Court order.

14:15:28 21 THE COURT: So I think what I'm hearing,  
14:15:30 22 but please tell me if I'm wrong, I think what I'm  
14:15:34 23 hearing is the temporary order I issued on April 7,  
14:15:40 24 2022, you would like to see improved so that the --  
14:15:50 25 what is it? Three -- every week that the phone

14:15:55 1 contact -- yeah, three times a month that the phone  
14:16:07 2 contact or video contact between Pop Pop and the  
14:16:10 3 children three times a month would be set dates and  
14:16:13 4 times and that you would like him to be more respectful  
14:16:17 5 in his communications.

14:16:18 6 THE WITNESS: I mean, I suppose if  
14:16:20 7 that's the only solution that we have because I feel  
14:16:23 8 like it should be entirely on him to be respectful and  
14:16:27 9 be able to reach out and make these arrangements on his  
14:16:30 10 own.

14:16:30 11 THE COURT: Okay. Anything else you  
14:16:32 12 want to tell me?

14:16:38 13 THE WITNESS: Sorry. I'm trying to see  
14:16:40 14 the points that are relevant at this point. I guess I  
14:16:52 15 feel like in this situation that the grandparents  
14:16:55 16 rights are being used as kind of a means to keep us  
14:16:58 17 under control for the man who has victimized us for  
14:17:02 18 years. And I just don't feel like it's appropriate to  
14:17:04 19 do that just because he's incarcerated and has family  
14:17:08 20 that's willing to be kind of tagged into this  
14:17:12 21 situation. My kids and I have been speaking openly  
14:17:15 22 about our experiences, you know, the violence and the  
14:17:17 23 fear since the beginning -- since 2018 when I filed  
14:17:21 24 this custody case to begin with and we just desperately  
14:17:25 25 looked for help. we said, you know, we're mocked.

14:17:27 1 we're threatened. we're ignored. while his behavior  
14:17:30 2 is continuously enabled by the court system and it's  
14:17:34 3 horrifying pattern for utter disregard for our rights  
14:17:38 4 and our safety, and that stems just from the existence  
14:17:42 5 of this custody case and the same control that's being  
14:17:44 6 used over us now.

14:17:45 7 THE COURT: Okay. Anything else?

14:17:47 8 THE WITNESS: I don't think that forcing  
14:17:59 9 these relationships on the children will suddenly make  
14:18:03 10 them healthy or make the children see them as safe  
14:18:08 11 people like you mentioned in the last hearing who they  
14:18:10 12 would want to have at their weddings and amazing events  
14:18:13 13 they have in their lives. Unfortunately, that's just  
14:18:15 14 not how it works out all of the time. And my kids have  
14:18:19 15 already expressed their feelings on the matter. I  
14:18:21 16 understand that you would like to see that become the  
14:18:23 17 reality in every one of these cases, but unfortunately,  
14:18:26 18 it's just not safe in every situation. And this isn't,  
14:18:30 19 you know, just some personal minor issues between  
14:18:33 20 grandfather and I that need to be patched up to make  
14:18:36 21 this work out. If this is granted, I will be forced to  
14:18:39 22 continue fighting for safety of my children where this  
14:18:42 23 is the time where we should be allowed to process our  
14:18:44 24 experiences, to start our family therapy, and like,  
14:18:46 25 without unnecessary interference, and create a long

14:18:50 1 term plan to heal and move on.

14:18:52 2 THE COURT: Okay. All right. Attorney  
14:18:53 3 Harshberger, questions?

14:18:54 4 ATTORNEY HARSHBERGER: Thank you.

14:18:55 5 CROSS EXAMINATION

14:18:55 6 BY ATTORNEY HARSHBERGER:

14:18:56 7 Q. You mentioned -- Ms. Pickett, you mentioned  
14:18:59 8 in 2018 you filed for custody, where did you file for  
14:19:02 9 custody at?

14:19:03 10 A. Lebanon County.

14:19:05 11 Q. And in that county, Kris Hexter is named the  
14:19:14 12 father of both children; is that correct?

14:19:16 13 A. There's some question with [A.P.].

14:19:19 14 Q. Through that custody order, he is named the  
14:19:22 15 father of both children. Correct?

14:19:23 16 A. Correct.

14:19:24 17 Q. Okay. Now, since then, there's been multiple  
14:19:27 18 and many different court actions between you and Kris  
14:19:33 19 in Lebanon County, correct?

14:19:35 20 A. That's correct.

14:19:36 21 Q. When did you first get the referral for  
14:19:42 22 Laurel Life?

14:19:43 23 A. I don't have a date. This would have been --  
14:19:47 24 April 7th would have been our last court date, maybe  
14:19:50 25 two weeks before then. It's actually [R.H.]'s behavior

14:19:55 1 that led to the referral.

14:19:57 2 Q. And so the school referred [R.H.] for family  
14:20:05 3 based counseling?

14:20:05 4 A. The family based part of it was at my  
14:20:08 5 request. He was referred for full psychological and  
14:20:12 6 psychiatric evaluations.

14:20:13 7 Q. But you haven't taken any steps since then to  
14:20:20 8 get in, correct?

14:20:22 9 A. No. I've been in contact with the school to  
14:20:24 10 push through the referral and [R.H.] has been  
14:20:26 11 talking -- well, until school ended, [R.H.] was talking  
14:20:30 12 to the school counselor.

14:20:31 13 Q. But [A.P.] has not been in any kind of  
14:20:34 14 counseling, correct?

14:20:35 15 A. Correct.

14:20:38 16 Q. And you have not sought a therapist  
14:20:41 17 independently for a [A.P.], correct?

14:20:45 18 A. That will be done through family therapy.

14:20:47 19 THE COURT: Well, answer the question.  
14:20:48 20 Have you done that directly?

14:20:53 21 THE WITNESS: Correct.

14:20:54 22 BY ATTORNEY HARSHBERGER:

14:20:54 23 Q. Correct as in no you have not gotten [A.P.] a  
14:20:58 24 therapist?

14:20:59 25 A. Nope.

14:20:59 1 Q. And when did the school tell you to call  
14:21:06 2 Laurel Life to set up intake? Two weeks before the  
14:21:10 3 first custody hearing?

14:21:12 4 A. No. They told me that -- actually that would  
14:21:15 5 be hearsay. I was -- they were entering the referral  
14:21:19 6 and I was to wait for contact from them. Since it's  
14:21:23 7 been so long, like I said, I'll make contact with them  
14:21:26 8 after this hearing to check on the status with that. I  
14:21:28 9 understand there there's some level of waitlist  
14:21:30 10 involved.

14:21:30 11 Q. So you just testified that you have this  
14:21:33 12 overriding concern for the mental stability of your  
14:21:39 13 children and two weeks prior to April 7th you were  
14:21:42 14 given a referral and you waited until after today's  
14:21:45 15 hearing to call for the follow up of the intake for  
14:21:51 16 Laurel Life; is that correct?

14:21:52 17 A. Correct. I'm expecting a call from Laurel  
14:21:56 18 Life to set that up.

14:21:57 19 Q. And you testified that when Kris was  
14:22:01 20 incarcerated for a probation violation, that you --  
14:22:06 21 your communication with Bruce was good at first, right?

14:22:10 22 A. Correct.

14:22:10 23 Q. And then you blocked him on social media,  
14:22:14 24 correct?

14:22:16 25 A. Correct.

14:22:16 1 Q. And you have not unblocked him since then?

14:22:18 2 A. Correct. I'm not obligated to.

14:22:21 3 Q. Right. And when did Kris go for his  
14:22:26 4 probation violation?

14:22:27 5 A. If I remember correctly that would have been  
14:22:29 6 May of 2020 through September of 2020.

14:22:32 7 Q. Okay. And so, since Kris was incarcerated  
14:22:41 8 this most recent time, you have not reached out to  
14:22:44 9 Bruce regarding contact with the grandchildren,  
14:22:49 10 correct?

14:22:49 11 A. Correct. I feel like that's his  
14:22:52 12 responsibility.

14:22:53 13 Q. The visits that occurred on April 9th and May  
14:23:05 14 14th, grandfather came to pick up the children,  
14:23:12 15 correct?

14:23:12 16 A. Correct.

14:23:13 17 Q. And he dropped the children off, correct?

14:23:16 18 A. Correct.

14:23:16 19 Q. And you viewed the car? It was safe and  
14:23:21 20 appropriate, correct?

14:23:21 21 A. I'm sorry?

14:23:22 22 Q. You viewed the car? It was safe and  
14:23:24 23 appropriate?

14:23:24 24 A. I didn't see the car seats, but as far as the  
14:23:27 25 car goes, correct.

14:23:28 1 Q. And after the first visit, grandfather gave  
14:23:31 2 the children some Christmas and birthday gifts,  
14:23:35 3 correct?

14:23:36 4 A. I'm not sure what they were from but he gave  
14:23:38 5 them some toys, yes.

14:23:40 6 Q. And the second visit, he bought the children  
14:23:44 7 I think [R.H.] new shoes and [A.P.] a toy because she  
14:23:54 8 didn't need shoes; is that correct?

14:23:56 9 A. Correct.

14:23:56 10 Q. Do you know -- did the children tell you what  
14:23:59 11 they did during the time with Pop Pop?

14:24:02 12 A. No. They don't talk about it with me. They  
14:24:05 13 don't have any interest.

14:24:07 14 Q. You mentioned you want to have this  
14:24:09 15 standardized or concrete call time, did your counsel  
14:24:15 16 communicate with me regarding setting up a time?

14:24:17 17 A. Yes.

14:24:18 18 Q. Okay. Now, were you made aware that there  
14:24:23 19 was an agreement between counsel that Wednesday at 5:00  
14:24:27 20 would be that time?

14:24:28 21 A. That is incorrect. My attorney did not  
14:24:32 22 have -- did not have my permission to make an agreement  
14:24:35 23 on my behalf.

14:24:36 24 Q. Okay. So grandfather was trying to call  
14:24:39 25 wednesdays at 5:00 and through communication with you

14:24:43 1 via text, you said Mondays at 4:00; is that correct?

14:24:46 2 A. Correct, at that time.

14:24:47 3 Q. Right. And so even on Mondays you failed to  
14:24:52 4 answer the phone when Bruce called; is that correct?

14:24:57 5 A. Correct. But my schedule has changed with  
14:25:00 6 work.

14:25:00 7 Q. Did you notify grandfather that your schedule  
14:25:04 8 changed and the time would have to change?

14:25:06 9 A. I have made a couple of attempts to let him  
14:25:09 10 know that the times that he was asking for did not work  
14:25:12 11 for me because of my work schedule and he simply  
14:25:15 12 demanded, like -- let me try to remember what he said.  
14:25:19 13 He said these are times that are within the times that  
14:25:21 14 I was given to call so this is when I'm calling.

14:25:24 15 Q. You told him Monday at 4:00, right?

14:25:27 16 A. Correct, for that week.

14:25:32 17 Q. And you still did not answer the phone,  
14:25:35 18 correct?

14:25:35 19 A. That's not correct. The first Monday that we  
14:25:37 20 had made arrangements for 4:00 p.m., we did  
14:25:41 21 successfully have that communication with the children.  
14:25:48 22 We have not been able to make an agreement as to when  
14:25:51 23 those phone calls will happen since then.

14:25:53 24 Q. Let me ask you this now, what is your current  
14:25:56 25 work schedule?

14:25:57 1 A. It varies which is why this is difficult and  
14:26:00 2 I need him to be flexible. I work as a contractor.  
14:26:04 3 I'm a business manner. My schedule can change  
14:26:07 4 depending on what my contracts are.

14:26:10 5 Q. Where do you work?

14:26:11 6 THE COURT: But, ma'am, you testified in  
14:26:13 7 response to my questions, you wanted a set date and  
14:26:16 8 time.

14:26:17 9 THE WITNESS: Right. And if we can nail  
14:26:18 10 that down and not have to deal with this outside of  
14:26:21 11 court, I will make that work, but I'm not going to do  
14:26:24 12 the back and forth and being bullied into, well, no,  
14:26:27 13 this is when I want the call.

14:26:28 14 BY ATTORNEY HARSHBERGER:

14:26:29 15 Q. But we had this worked out where it was  
14:26:30 16 wednesday at 5:00 p.m., at one point in time, correct?  
14:26:34 17 Although that was counsel's representation that you  
14:26:37 18 agreed to that, but that was one day and time that was  
14:26:40 19 agreed upon. Do you agree with that?

14:26:43 20 A. No. That was my problem from the beginning,  
14:26:47 21 which is why --

14:26:49 22 Q. And then you agreed --

14:26:50 23 A. Sorry. Should I finish?

14:26:53 24 Q. Go ahead.

14:26:55 25 THE COURT: Go ahead and finish your

14:26:57 1 answer.

14:26:57 2 THE WITNESS: Now I lost my train of  
14:27:00 3 thought. We had the conversation going between  
14:27:02 4 attorneys and because that can kind of take time  
14:27:04 5 because they are both busy with things outside of our  
14:27:07 6 case. I reached out to grandfather to let him know  
14:27:09 7 that this time is not going to work for me, Wednesdays  
14:27:12 8 at 5:00, because now I'm working at this point and I'm  
14:27:15 9 going to need him to be flexible and change that  
14:27:17 10 around. We might have to arrange things week by week  
14:27:20 11 but he needs to work with me. And that was when he  
14:27:23 12 said, no, the time that you're proposing is when I'm at  
14:27:26 13 work so I can't do that.

14:27:28 14 BY ATTORNEY HARSHBERGER:

14:27:31 15 Q. So what is your work schedule?

14:27:35 16 A. It's typically about 9:00 to 5:00. If I have  
14:27:40 17 -- one of my main clients right now is an online  
14:27:43 18 coaching company who often has live events and  
14:27:46 19 sometimes those can go from 9:00 a.m. to 11:00 p.m.  
14:27:49 20 because they are working on specific time so it just  
14:27:54 21 kind of varies.

14:27:55 22 Q. So do you ever work past 5:00?

14:27:58 23 A. Yes.

14:27:59 24 Q. How often do you work past 5:00?

14:28:04 25 A. I would say probably two to three days a

14:28:09 1 week.

14:28:09 2 Q. What's the latest you work until?

14:28:12 3 A. Like I said, event dates can go until  
14:28:14 4 11:00 p.m. my time and kids are well in bed by then.

14:28:17 5 Q. Who watches the children at this time -- you  
14:28:19 6 live alone, correct? Single mother?

14:28:21 7 A. Correct. And I work from home which means  
14:28:24 8 that the children can stay with me while I'm at work.

14:28:28 9 THE COURT: So, ma'am, let's cut to the  
14:28:29 10 chase, if you want me to order three times a month,  
14:28:32 11 date and time, what do you want them to be?

14:28:34 12 THE WITNESS: Honestly, I think that's  
14:28:36 13 excessive given the prior relationship. However --

14:28:39 14 THE COURT: That's not the question.  
14:28:40 15 What do you want them to be?

14:28:41 16 THE WITNESS: However, I think that if  
14:28:44 17 we can do -- would it be possible to nail it down so  
14:28:47 18 that father and grandfather would have their calls back  
14:28:50 19 to back, so we only have to do this once? I'm just  
14:28:53 20 asking to make this easier for everybody. Like, if we  
14:28:55 21 did grandfather at 5:30 and father at 6:00 or something  
14:28:59 22 of that nature.

14:29:00 23 THE COURT: My question was a simple  
14:29:02 24 one. When do you want these three times with  
14:29:04 25 grandfather to be? I'm not mixing grandfather and

14:29:07 1 father. They are separate in my mind. I know they are  
14:29:10 2 not separate in your mind, but they are separate in my  
14:29:13 3 mind. When do you want these three calls from Pop Pop  
14:29:17 4 to be per month, date and type? What's your  
14:29:19 5 preference?

14:29:21 6 THE WITNESS: I guess Mondays at 6:00.

14:29:31 7 THE COURT: Okay. All right. Go ahead,  
14:29:33 8 Attorney Harshberger.

14:29:36 9 THE WITNESS: That doesn't conflict with  
14:29:39 10 the work schedule that he doesn't have.

14:29:51 11 THE COURT: Do you have other questions,  
14:29:53 12 Attorney Harshberger?

14:29:54 13 ATTORNEY HARSHBERGER: Just briefly.

14:29:55 14 THE COURT: I know I interrupted your  
14:29:57 15 train of thought.

14:29:58 16 ATTORNEY HARSHBERGER: No. He asked  
14:29:59 17 Monday at 6:00 and I wanted to make sure I jotted that  
14:30:02 18 down too.

14:30:03 19 THE COURT: Okay.

14:30:11 20 BY ATTORNEY HARSHBERGER:

14:30:11 21 Q. Has there been any school -- have the  
14:30:13 22 children received any report cards this year?

14:30:16 23 A. No. I have not received anything.

14:30:18 24 Q. Have the children received any school  
14:30:21 25 pictures at all this year?

14:30:23 1 A. They did but I did not purchase any.

14:30:25 2 Q. Would you be opposed to the upcoming school  
14:30:36 3 year let grandfather know of school pictures so he  
14:30:41 4 could purchase said pictures?

14:30:44 5 A. I'm going to say no because I'm pretty sure I  
14:30:48 6 don't have a choice.

14:30:50 7 Q. So have you gotten any -- you haven't got  
14:30:55 8 grades yet for the children?

14:30:58 9 A. That's correct.

14:30:59 10 Q. Now, when are the children done in school?

14:31:02 11 A. They were finished on May 26th I want to say  
14:31:06 12 was their last day.

14:31:08 13 Q. And so you have not received a final report  
14:31:10 14 card for the children?

14:31:11 15 A. No, I have not received any report cards  
14:31:14 16 during the school year at all. They said that they do  
14:31:16 17 do grading of that nature but they haven't sent  
14:31:21 18 anything home for me.

14:31:21 19 Q. Is there anything on the online system for  
14:31:24 20 that school if they do have an online system?

14:31:27 21 A. They do. I'm honestly not sure if they would  
14:31:30 22 have that up. I would assume that's where it would be  
14:31:33 23 found if they have it posted for children that young.

14:31:36 24 Q. So you have no idea how well you're children  
14:31:40 25 are doing in school?

14:31:44 1 A. I do. We have the student-teacher  
14:31:46 2 conferences where the teachers keep me up-to-date how  
14:31:51 3 they are doing in school.

14:31:53 4 Q. How often do you have parent-teacher  
14:31:56 5 conferences?

14:31:56 6 A. They have one per semester. So that would be  
14:32:00 7 the same occurrence that they would be receiving report  
14:32:03 8 cards if they were older.

14:32:07 9 Q. The children were brought back to you at the  
14:32:18 10 appropriate time and appropriately dressed and well  
14:32:22 11 cared for, right?

14:32:23 12 A. Correct. They were brought home  
14:32:26 13 approximately an hour early both times.

14:32:34 14 Q. Would you be agreeable to grandfather would  
14:32:41 15 have a weekend with the children once a month?

14:32:44 16 A. I am not agreeable to that. I think that if  
14:32:48 17 this is going to continue under Court order, I don't  
14:32:51 18 think it should be anymore substantial than what the  
14:32:55 19 situation is now. However, if the children would  
14:32:58 20 express to me later on that, hey, I would like to spend  
14:33:02 21 a night with grandpa -- Pop Pop, sorry, or something of  
14:33:05 22 that nature, I would consider that. Like I said, I'm  
14:33:07 23 absolutely willing to put my personal feelings aside  
14:33:11 24 for the best interest of the children.

14:33:13 25 Q. But if the children expressed that desire

14:33:15 1 with the grandfather, you would be okay with that  
14:33:18 2 request?

14:33:19 3 A. No. I don't think that's sufficient to make  
14:33:21 4 the request through grandfather and expect me to  
14:33:24 5 believe that's what they had expressed. This has never  
14:33:27 6 been expressed to me personally.

14:33:29 7 ATTORNEY HARSHBERGER: I have no further  
14:33:30 8 questions.

14:33:31 9 THE COURT: Anything else you want to  
14:33:32 10 tell me, ma'am?

14:33:33 11 THE WITNESS: I guess I would just like  
14:33:36 12 to remind the Court that I don't drive and I don't have  
14:33:39 13 my license or a car to support transportation nearly  
14:33:43 14 two hours away if there was any consideration of  
14:33:45 15 changing the transportation agreement. Other than  
14:33:48 16 that, I think that's all that I have today, Your Honor.

14:33:51 17 THE COURT: Okay. And you had no other  
14:33:53 18 witnesses?

14:33:53 19 MS. PICKETT: No.

14:33:54 20 THE COURT: Okay. Attorney Harshberger,  
14:33:55 21 anything else you want to put on?

14:33:56 22 ATTORNEY HARSHBERGER: I would like to  
14:33:57 23 recall Bruce Hexter regarding an update as far as the  
14:34:01 24 two visits that he had.

14:34:03 25 THE COURT: Sure. Stand and raise your

14:34:04 1 right hand, please.

2 \* \* \*

3 BRUCE HEXTER,

4 called as a witness,

5 having been duly sworn according to law,

6 testified as follows:

7 \* \* \*

8 DIRECT EXAMINATION

14:34:21 9 THE CLERK: Please be seated. Please  
14:34:23 10 state and spell your name for the Court.

14:34:26 11 THE WITNESS: Bruce Hexter, B-R-U-C-E,  
14:34:29 12 H-E-X-T-E-R.

14:34:32 13 THE COURT: All right. Go ahead.

14:34:33 14 ATTORNEY HARSHBERGER: Thank you, Your  
14:34:34 15 Honor.

14:34:34 16 BY ATTORNEY HARSHBERGER:

14:34:35 17 Q. Bruce, did you get a copy of the Order from  
14:34:39 18 the April 7th hearing?

14:34:40 19 A. Yes, I did.

14:34:41 20 Q. And did you read that Order?

14:34:43 21 A. Yes, I did.

14:34:43 22 Q. And in that Order it said you were to have  
14:34:47 23 custody visitation with the children on April 9th, did  
14:34:49 24 you have that visit?

14:34:50 25 A. Yes, I did.

14:34:51 1 Q. And what did you do during that visit?

14:34:53 2 A. My first visit I took the kids to Strasburg

14:35:01 3 Rail Road. we spent the full day there basically. And

14:35:05 4 when they were done riding the train, they played in

14:35:09 5 the playground that was there. Got some great pictures

14:35:14 6 with them in the train and in the store playing with

14:35:19 7 the hats in the store for conductors and stuff like

14:35:24 8 that. And wound up taking them out for dinner that

14:35:28 9 night before I took them home.

14:35:31 10 Q. Where did you go to dinner?

14:35:33 11 A. Infinito's Pizza.

14:35:37 12 Q. What did the children eat? I guess that

14:35:40 13 answers that question.

14:35:41 14 A. It's an all you can eat pizza place.

14:35:43 15 Q. Do they like pepperoni or just cheese?

14:35:46 16 A. They had some of everything. They even had

14:35:49 17 the dessert pizzas.

14:35:55 18 Q. Would you have liked more time with the

14:35:58 19 children?

14:36:00 20 A. Definitely.

14:36:04 21 Q. Did the children express to you at that visit

14:36:07 22 they wanted more time with you?

14:36:08 23 A. They basically said, can we go home to your

14:36:12 24 house, Pop Pop?

14:36:12 25 Q. Have they been to your house before?

14:36:15 1 A. Oh, yes. They've been there plenty of times.  
14:36:18 2 Kris would bring them down. I had them a couple times  
14:36:21 3 for a full weekend like Thursday through Monday.

14:36:25 4 Q. And do you have bedding for them there?

14:36:28 5 A. Yes.

14:36:28 6 Q. They have bicycles at your house?

14:36:31 7 A. Yes, they definitely do and with helmets.

14:36:38 8 Q. And you took pictures of that event of that  
14:36:41 9 day, right? On 4/9?

14:36:42 10 A. From 4/9, yes.

14:36:45 11 Q. Now, did you try to call and comply with the  
14:36:50 12 Order of three phone calls per week? Did you try to  
14:36:53 13 make those phone calls?

14:36:55 14 A. Yes, I did.

14:36:55 15 Q. Can you explain to the Court, you know, were  
14:37:00 16 those phone calls successful?

14:37:01 17 A. I had one successful phone call during the  
14:37:05 18 full month or from the time the court hearing until  
14:37:10 19 even this past Monday I attempted to call.

14:37:14 20 Q. And you were calling either Mondays or  
14:37:16 21 Wednesdays? But I think after today we're going to  
14:37:18 22 work it out to Mondays at 6:00.

14:37:20 23 A. Correct. In fact, with the phone calls I  
14:37:23 24 actually attempted to call once on a Saturday night and  
14:37:27 25 I got a text message back from her, weekends are family

14:37:32 1 time. Do not call me then.

14:37:34 2 Q. Okay. But you did get a chance to talk to  
14:37:40 3 them one time from April 7th until today's date?

14:37:43 4 A. Correct.

14:37:43 5 Q. Other than the two visits that you had?

14:37:45 6 A. That is correct, one time on the phone.

14:37:46 7 Q. Okay. Now, mother testified that the  
14:37:52 8 children were crying before they left her care to go  
14:37:56 9 with you. Did you see any signs of the children crying  
14:38:01 10 when you saw them?

14:38:02 11 A. No. In fact, both times that I got the kids,  
14:38:06 12 they ran up to me and gave me a great big hug. Hi, Pop  
14:38:11 13 Pop. Hi. I said, well, you guys ready to go? Yeah.  
14:38:15 14 And then I attempted to ask Sara -- the first time it  
14:38:19 15 was Easter weekend -- is there any Easter egg hunts  
14:38:24 16 around that I can take them to and she would not give  
14:38:27 17 me any kind of answer. I'm not giving you anything was  
14:38:30 18 her response.

14:38:31 19 Q. So the April 9th visit was you wanted to take  
14:38:33 20 them on an Easter egg hunt and you asked her if there  
14:38:37 21 was anything available?

14:38:38 22 A. Correct.

14:38:38 23 Q. But you ultimately decided to take them to  
14:38:41 24 the train museum?

14:38:42 25 A. Because I couldn't find anything around.

14:38:44 1 Q. Okay. Did you give them any kind of gifts  
14:38:49 2 after that meeting?

14:38:50 3 A. I got them a little train at the train store,  
14:38:55 4 a little toy at the train store.

14:38:57 5 Q. What about old Christmas or old birthday  
14:39:01 6 gifts?

14:39:01 7 A. I gave them birthday -- it was just prior to  
14:39:05 8 [R.H.]'s birthday and I gave them both a Christmas  
14:39:09 9 present and I said since I haven't seen you at  
14:39:10 10 Christmas, here's a Christmas present for you. And  
14:39:14 11 then here's your birthday present, [R.H.], hold off on  
14:39:18 12 opening it up until Tuesday.

14:39:21 13 Q. Tuesday would have been his --

14:39:23 14 A. Tuesday would have been his birthday,  
14:39:25 15 correct, after the visit.

14:39:26 16 Q. Okay. And then --

14:39:28 17 A. And they took the gifts and threw them in the  
14:39:31 18 back of the car.

14:39:33 19 Q. And when you say they, who's they?

14:39:35 20 A. Sara and the friend that was with her driving  
14:39:38 21 them away.

14:39:39 22 Q. They took the gifts and threw them in the  
14:39:41 23 back of the car?

14:39:42 24 A. He took them off the kids and threw them in  
14:39:45 25 the back of his car, the gentleman. I don't know his

14:39:47 1 name.

14:39:48 2 Q. And then you had another visit. When was  
14:39:50 3 that?

14:39:50 4 A. I had it on May 14th.

14:39:54 5 Q. Okay. And what did you do that day?

14:39:56 6 A. I'm sorry. On the first visit I also took  
14:39:59 7 them bowling too.

14:40:01 8 Q. Okay.

14:40:02 9 A. I forgot about that part.

14:40:03 10 Q. So bowling, train, and dinner?

14:40:06 11 A. Correct.

14:40:06 12 Q. And then the 14th of May you had a visit.  
14:40:10 13 Where did you go?

14:40:11 14 A. I took them to a playground and as they were  
14:40:16 15 playing around I looked at [R.H.]'s shoes, saw they  
14:40:19 16 were worn out. I said it looks like you need new  
14:40:23 17 shoes. Let's go buy you some new shoes. He said okay.  
14:40:27 18 I asked [A.P.] if she needed shoes and she said, no.  
14:40:30 19 She was good with them. So we went to the store, went  
14:40:33 20 to a mall, found a pair of shoes for him, bought them  
14:40:39 21 for him. After that, we went to the movies. After the  
14:40:44 22 movies, took them to dinner.

14:40:45 23 Q. What movie did you see?

14:40:48 24 A. The new minion -- or Sonic the Hedgehog.

14:40:54 25 Q. Okay. And did [A.P.] get anything? You said

14:41:02 1 [R.H.] got shoes.

14:41:04 2 A. Yes. She picked out a little toy. It was  
14:41:07 3 toy purse with a toy telephone. She said, oh, I can  
14:41:12 4 have my own telephone, which played music.

14:41:16 5 Q. All right. Where did you guys go the eat  
14:41:20 6 then?

14:41:20 7 A. We went to the steakhouse.

14:41:22 8 Q. And did you take pictures of this outing?

14:41:25 9 A. I did take pictures of them sitting in the  
14:41:29 10 movie theater next to me. And then afterwards I took  
14:41:33 11 pictures of the placemats that they have at the  
14:41:39 12 steakhouse that the kids colored on.

14:41:41 13 Q. I'm going to show you what's marked as  
14:41:44 14 identification purposes -- I'm not sure what number  
14:41:47 15 we're on, Your Honor -- Intervenors Rebuttal One.

14:41:50 16 THE COURT: We'll call it Intervenors  
14:41:53 17 Number One. Go ahead.

14:41:57 18 ATTORNEY HARSHBERGER: I provided a copy  
14:42:00 19 for the Court's --

14:42:01 20 THE WITNESS: You can see a picture of  
14:42:02 21 them sitting in the chair at the movies.

14:42:06 22 BY ATTORNEY HARSHBERGER:

14:42:06 23 Q. Can you briefly weave through this and tell  
14:42:08 24 me are these a true and accurate representation of the  
14:42:12 25 photos that you took?

14:42:13 1 A. Yes. They definitely are photos that I took.

14:42:16 2 Q. And there's eight pictures in there?

14:42:18 3 A. I believe that's how many.

14:42:19 4 Q. Let's go through them quickly. Who's on the

14:42:22 5 first page?

14:42:22 6 A. First page is the two kids standing in their

14:42:26 7 development holding up the menus that they colored at

14:42:32 8 the steakhouse.

14:42:33 9 Q. A little artwork?

14:42:35 10 A. A little bit of artwork that they did.

14:42:38 11 Q. Next page.

14:42:39 12 A. Next page is [R.H.] leaning up against me in

14:42:43 13 the chair at the movie theater.

14:42:44 14 THE COURT: I can see what the pictures

14:42:46 15 are.

14:42:46 16 BY ATTORNEY HARSHBERGER:

14:42:46 17 Q. And it looks like they are happy and they

14:42:49 18 are --

14:42:51 19 A. Smiley.

14:42:52 20 Q. Smiley. Doesn't look like they are fearful

14:42:56 21 or scared of you in this situation?

14:42:57 22 A. No.

14:42:57 23 Q. Okay.

14:42:58 24 A. And --

14:43:00 25 Q. He's -- the Judge already said he can see the

14:43:05 1 pictures.

14:43:05 2 ATTORNEY HARSHBERGER: I move for the  
14:43:06 3 admission of Intervenors Exhibit One.

14:43:09 4 THE COURT: Any objections?

14:43:10 5 THE WITNESS: No, Your Honor.

14:43:11 6 THE COURT: They may be admitted.

14:43:16 7 Anything else?

14:43:16 8 BY ATTORNEY HARSHBERGER:

14:43:16 9 Q. And on that day, did you again want more time  
14:43:19 10 with the children?

14:43:20 11 A. I would have loved to have more time with  
14:43:23 12 them.

14:43:23 13 Q. And what would you do if you had an overnight  
14:43:26 14 with them or a weekend? What would that allow you to  
14:43:31 15 do?

14:43:31 16 A. Probably wind up being able to take them to  
14:43:34 17 an amusement park or something like that or maybe down  
14:43:38 18 the shore for the day for a visit. Visit a friend of  
14:43:44 19 mine that the kids both know. I took -- when I had  
14:43:55 20 them prior times, we took them -- my friend and myself  
14:44:00 21 took them to two different playgrounds near my house  
14:44:04 22 and her house that the kids loved and they actually  
14:44:08 23 asked me, hey, when can we go back to those  
14:44:11 24 playgrounds?

14:44:12 25 Q. Did the children mention anything about kris

14:44:19 1 while they were with you?

14:44:23 2 A. Mostly that they miss him.

14:44:26 3 Q. Did [R.H.] make anything for him, for Kris?

14:44:31 4 A. Yes. On the second visit at that playground  
14:44:37 5 [R.H.] made a Father's Day card and a birthday card for  
14:44:43 6 him, which I sent off to him.

14:44:46 7 Q. And did [A.P.] make anything for him?

14:44:50 8 A. She asked if she could do it too. Yeah.

14:44:54 9 okay.

14:44:54 10 Q. Okay.

14:44:56 11 A. So she made one of each for him also,  
14:44:59 12 birthday and Father's Day cards since they are both  
14:45:03 13 right there together, a day apart.

14:45:06 14 Q. Has the -- Ms. Pickett's characterization of  
14:45:13 15 your guys relationship communication, is that accurate  
14:45:16 16 you guys are not communicating well?

14:45:20 17 A. I would say we're definitely not  
14:45:22 18 communicating well.

14:45:24 19 Q. What in your opinion could help the  
14:45:27 20 communication if anything?

14:45:29 21 A. When I call, she would talk to me prior to  
14:45:35 22 even putting the kids on the phone. Or when I go there  
14:45:38 23 to visit, she would at least be communicative instead  
14:45:49 24 of telling me basically, you're a bad person.

14:45:52 25 Q. She said that to you?

14:45:53 1 A. Yes.

14:45:54 2 Q. Why would she have said that to you?

14:45:56 3 A. I have no idea.

14:45:58 4 Q. What did you do that were --

14:46:00 5 A. Oh, because I bought them a gift, bought them

14:46:04 6 the shoes.

14:46:05 7 Q. So knowing that you and her cannot

14:46:08 8 communicate well, would it be okay if there was an

14:46:11 9 order that spelled out the exact times for the phone

14:46:14 10 calls and the exact times for periods of your

14:46:17 11 visitation? Would that be -- would that have to work?

14:46:21 12 A. If that's what it would have to come down to.

14:46:28 13 ATTORNEY HARSHBERGER: All right. No

14:46:28 14 further questions.

14:46:29 15 THE COURT: Questions of this witness,

14:46:31 16 Ms. Pickett?

14:46:33 17 MS. PICKETT: Yes. I would just like to

14:46:35 18 clarify --

14:46:36 19 THE COURT: No, you're not testifying.

14:46:37 20 Do you have questions?

14:46:38 21 MS. PICKETT: No. That was part of my

14:46:40 22 question.

14:46:41 23 THE COURT: Ask him a question.

14:46:42 24 CROSS EXAMINATION

14:46:42 25 BY MS. PICKETT:

14:46:43 1 Q. So in the temporary order it was ordered that  
14:46:45 2 [A.P.] is to have no contact with [R.H.]'s father, yet  
14:46:49 3 you have testified -- well, I guess it's considered  
14:46:53 4 testimony at this point that you had [A.P.] make cards  
14:46:57 5 to send to [R.H.]'s father.

14:47:01 6 A. Yes. She asked if she could. I only asked  
14:47:04 7 [R.H.].

14:47:07 8 MS. PICKETT: Okay. I have no further  
14:47:08 9 questions, Your Honor.

14:47:09 10 THE WITNESS: And she asked me if she  
14:47:11 11 could and I said okay.

14:47:13 12 THE COURT: Any other testimony,  
14:47:15 13 Attorney Harshberger?

14:47:15 14 ATTORNEY HARSHBERGER: Not from Bruce  
14:47:18 15 Hexter, just from Kris regarding his availability on  
14:47:23 16 phone calls.

14:47:24 17 THE COURT: All right. Mr. Kristoffer  
14:47:29 18 Hexter, please, stand and raise your right hand and the  
14:47:34 19 clerk will swear you in.

20 \* \* \*

21 KRISTOFFER HEXTER,  
22 called as a witness,  
23 having been duly sworn according to law,  
24 testified as follows:  
25 \* \* \*

1 DIRECT EXAMINATION

14:47:48 2 THE CLERK: Please be seated. Please  
14:47:51 3 state and spell your name for the record.

14:47:54 4 THE WITNESS: Kristoffer Hexter,  
14:47:58 5 K-R-I-S-T-O-F-F-E-R, H-E-X-T-E-R.

14:48:02 6 THE COURT: All right. Attorney  
14:48:04 7 Harshberger, you got literally five minutes tops.

14:48:07 8 ATTORNEY HARSHBERGER: Thank you, Judge.  
14:48:07 9 BY ATTORNEY HARSHBERGER

14:48:08 10 Q. Kris, can you explain to the Court your  
14:48:13 11 ability to make phone calls from the jail?

14:48:16 12 A. My ability to make phone calls is limited to  
14:48:20 13 two separate block out times per day between 1:15 and  
14:48:26 14 3:45 in the afternoon and 5:15 and 8:45 in the evening.  
14:48:32 15 It's a first come first serve basis.

14:48:35 16 Q. And are you requesting that when the children  
14:48:38 17 are with grandfather that you be able to make phone  
14:48:42 18 calls to both children so that you can talk to the  
14:48:48 19 children once a month?

14:48:49 20 A. Yes.

14:48:52 21 ATTORNEY HARSHBERGER: No further  
14:48:54 22 questions.

14:48:54 23 THE COURT: Cross-examination of this  
14:48:56 24 witness, Ms. Pickett?

14:48:58 25 MS. PICKETT: I have no questions, Your



14:49:00 1 Honor.

14:49:00 2 THE COURT: Anything else?

14:49:00 3 ATTORNEY HARSHBERGER: No, Your Honor.

14:49:00 4 THE COURT: Did you have any rebuttal  
14:49:02 5 you wanted to testify to, ma'am?

14:49:04 6 MS. PICKETT: No, Your Honor.

14:49:05 7 THE COURT: Okay. All right. In this  
14:49:12 8 matter the Court has taken testimony part of two days  
14:49:17 9 over a two or three month period. It is the final  
14:49:21 10 Order in this matter as follows: The temporary Order  
14:49:25 11 of April 7, 2022, in this matter is confirmed in full  
14:49:31 12 except with a couple of small changes. Those small  
14:49:37 13 changes are as follows: Pop Pop, Bruce Hexter's  
14:49:47 14 Saturday times will be the second and fourth Saturdays  
14:49:51 15 of each month. An additional change is that the three  
14:49:59 16 times per month for Pop Pop to have phone or video or  
14:50:02 17 equivalent will be Monday at 6:00 p.m. on the first  
14:50:09 18 Monday of each month, the third Monday of each month,  
14:50:13 19 and the fifth Monday of each month if there is a fifth  
14:50:18 20 Monday.

14:50:18 21 Mother, father, and Pop Pop,  
14:50:22 22 grandfather, will have their communications through  
14:50:25 23 OurFamilywizard. Grandfather, Bruce Hexter, will  
14:50:30 24 within ten days of this Order sign up and pay for the  
14:50:34 25 annual fee for OurFamilywizard and provide the

14:50:38 1 information to father if he can do that through the  
14:50:41 2 prison, if he can't, that's okay, and will provide the  
14:50:44 3 log in information for mother who will promptly join  
14:50:48 4 OurFamilywizard. All communications relative to these  
14:50:54 5 children will be through OurFamilywizard.

14:50:59 6 Additionally, mother will give to both  
14:51:01 7 father and Pop Pop the portal communication, and if  
14:51:05 8 necessary, the password so that they may go to the  
14:51:09 9 school portal to receive information, records, and so  
14:51:12 10 forth from the childrens school. Father may exercise  
14:51:22 11 his time of talking with [R.H.] only by calling [R.H.]  
14:51:35 12 when [R.H.] is with Pop Pop. Father will continue to  
14:51:39 13 have no contact with [A.P.]. Mother will cause an  
14:51:48 14 intake to have taken place for a therapist for [A.P.]  
14:51:53 15 and/or the family by August 1, 2022.

14:52:05 16 Finally, we schedule a follow up hearing  
14:52:11 17 with a date and time to be set forth in just a moment  
14:52:14 18 as soon as we look at our calendars. The purpose of  
14:52:18 19 that follow up hearing will be to see how visits are  
14:52:22 20 going, how telephone contact is going, and to confirm  
14:52:25 21 that a initial intake with a therapist has taken place  
14:52:30 22 as ordered in this Court order today. If either father  
14:52:36 23 or grandfather believe mother has not obeyed the Court  
14:52:41 24 Order, either of their counsel may file a petition for  
14:52:47 25 contempt, and if the petition is so filed that contempt

14:52:51 1 will be heard at that follow up hearing.

14:52:55 2 The Court wants to make it clear this is  
14:52:59 3 a follow up hearing only to ensure things are going  
14:53:01 4 well and that this Order is a final order.  
14:53:05 5 Nevertheless, the Court does want to make it very clear  
14:53:10 6 to mother that if there is any more games playing by  
14:53:17 7 mother on telephone contact or visits, the Court may at  
14:53:23 8 the follow up hearing give either father and/or  
14:53:28 9 grandfather expanded rights.

14:53:30 10 Go off the record.

11 \* \* \*

12 (whereupon, a discussion was held off  
13 the record.)

14 \* \* \*

15  
16 THE COURT: We'll go back on the  
17 record.

14:53:58 18 The aforesaid follow up hearing will be  
14:54:01 19 on September 6, 2022, at 10:00 a.m. in Courtroom 6005.  
14:54:08 20 Grandfather, his counsel, and mother will be in person.  
14:54:14 21 Father may be by Zoom. Any other witnesses may be by  
14:54:18 22 Zoom. If things are going well, a written stipulation  
14:54:27 23 from all parties would do in lieu of actual appearance,  
14:54:32 24 but if that does not happen, the follow up hearing will  
14:54:36 25 take place at the date and time aforesaid and everyone

14:54:41 1 will be present as just indicated.

14:54:47 2 Copy to Attorney Harshberger. Copy to  
14:54:50 3 mother, Sara Pickett at -- why don't you give me your  
14:54:50 4 address, ma'am.

14:54:55 5 MS. PICKETT: It is 278 Coventry at  
14:54:58 6 Waterford York, PA 17402.

14:55:03 7 THE COURT: Okay. Are there any  
14:55:05 8 questions?

14:55:08 9 ATTORNEY HARSHBERGER: We're just  
14:55:11 10 looking at the no contact with [A.P.], would the  
14:55:19 11 therapist be agreeable that maybe the therapist could  
14:55:24 12 write a letter regarding that contact --

14:55:24 13 THE COURT: That's exactly why I have a  
14:55:26 14 follow up hearing scheduled. A letter would be fine.

14:55:29 15 ATTORNEY HARSHBERGER: Okay. Because I  
14:55:30 16 don't want to have her bring her in or him in.

14:55:34 17 THE COURT: Understood. Any questions,  
14:55:35 18 Ms. Pickett?

14:55:36 19 MS. PICKETT: I just wanted to clarify  
14:55:38 20 that the points that you mentioned that we'll be  
14:55:40 21 covering in the next hearing, that will be listed in  
14:55:40 22 the Order --

14:55:43 23 THE COURT: You'll get a copy of this  
14:55:45 24 Order.

14:55:45 25 MS. PICKETT: I just wanted to make sure

14:55:46 1 that's listed in the order.

14:55:48 2 THE COURT: I understand it's tough to  
14:55:50 3 write everything down in the order. I had to do that  
14:55:51 4 for 39 years as a lawyer and I would miss things so  
14:55:54 5 that's why I try to put everything in order. You'll  
14:55:57 6 get a copy of the order in a few days or so.

14:55:59 7 MS. PICKETT: I just want to make sure  
14:56:01 8 that I am preparing based on the correct information of  
14:56:03 9 what we're addressing in the next one.

14:56:04 10 THE COURT: And, ma'am, let me just say  
14:56:06 11 to you that I understand your problems with the father.  
14:56:10 12 He's in jail, you know, he's going to be there for a  
14:56:14 13 while. I get all of that, but the father of these  
14:56:18 14 children and Pop Pop are not the same people. Okay.  
14:56:21 15 And you got to understand that. And if you don't do  
14:56:27 16 more to try to encourage a good relationship between  
14:56:31 17 these two children and their grandfather, I'll do it  
14:56:34 18 and I'll just give him more and more and more time  
14:56:38 19 until you get the message; is that clear?

14:56:42 20 MS. PICKETT: Sure.

14:56:43 21 THE COURT: Okay. Thank you. Everyone  
14:56:45 22 is excused.

11:49:45 23 \* \* \*

11:49:45 24 (Whereupon, the hearing was concluded.)

25 \* \* \*

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause, and that this copy is a correct transcript of the same.

*Emily Riccardi*

EMILY M. RICCARDI  
Official Court Reporter